

**Gareth Murphy, Solicitor (BCL, Dip. App. Fin.)**

**Address:** 32B Palatial Crest, Mid-Levels, Hong Kong

**Linkedin:** <https://www.linkedin.com/in/garethmurphy1/>

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**PROFILE**

I am a commercial solicitor specialising in dispute resolution and insolvency with over sixteen years' PQE comprising nine years in the dispute resolution department of Arthur Cox, a top tier onshore Irish law firm, four years as Senior Legal Counsel in the ION Group, a global FinTech company, two years as a Senior Associate in Harneys' Litigation, Insolvency and Restructuring team in Hong Kong and a year as a Counsel in Walkers' IDR team in Hong Kong. I am admitted to practise in Ireland, England & Wales and the British Virgin Islands as well as being a registered foreign lawyer in Hong Kong.

**CAREER HISTORY**

**Counsel, Walkers, Hong Kong**

**September 2020 - Present**

As a Counsel in Walkers' Insolvency, Disputes and Restructuring team in Hong Kong, I specialise in high-value cross-border commercial disputes, including insolvency and shareholder disputes. Cases include

- Acting as BVI counsel advising a NYSE-listed, BVI incorporated, Shenzhen-based property developer in defence of expedited proceedings (including injunctive proceedings) brought by a minority shareholder before the BVI Commercial Court and the ECSC Court of Appeal.
- Advising the general partner of a Cayman exempt limited partnership fund and two BVI subsidiaries in connection with the winding up of the fund and proposed liquidation of the subsidiaries and implications of disposals previously made by the BVI subsidiaries on distributions proposed in the course of the winding up.
- Advising a shareholder of a Cayman joint venture on the options available in the event of deadlock including filing a petition for winding up on the just and equitable ground, appointing provisional liquidators, bringing a derivative action and appointing an inspector to the Cayman joint venture.
- Advising the BVI incorporated general partner of a Cayman fund on risks associated with a sale of assets of the fund and subsequent asset distribution as part of a restructuring transaction.
- Advising a party to a BVI joint venture company in defence of claims for breach of multiple agreements relating to the shares of an NYSE-listed company in circumstances where a receiver had been appointed by the adverse joint venture party over the shares of the BVI joint venture company.

**Senior Associate, Harneys, Hong Kong**

**August 2018 - Present**

Advising in high-value cross-border commercial disputes including:

- Advising Evergrande Group (#230 on Fortune Global 500) on its defence of arbitration proceedings, including two emergency arbitration applications, brought in Hong Kong against a BVI incorporated Evergrande subsidiary that was party to a US\$2BN investment agreement with Faraday Futures, a leading California based electric vehicle manufacturer, into a Cayman Islands' incorporated JV company. I advised the client and its onshore legal advisors on all offshore aspects of the HKIAC arbitration as well as drafting and issuing pleadings for proceedings brought in the Cayman Islands on behalf of a director of the client entity. I attended regular contentious board meetings of the JV company (with directors located in Hong Kong and LA) as adviser to the client director and appointed alternate director.
- Acting for a shareholder and director of a BVI incorporated Hong Kong based commercial property company defending an unfair prejudice claim brought by the other shareholder, an Australian based trust and its appointed director. I am managing all steps in the litigation from the CMC to trial, including disclosure which involved my coordinating an in-house team to review 400,000 documents returned from the keywords requiring extensive use of e-disclosure platform tools such as Active Learning on Relativity.

- Obtaining an injunction in the BVI over the shareholding and assets of a BVI company that owned shares in a Cayman Island company that had filed its F-1 draft prospectus for listing on the NYSE. The injunction was pursuant to a substantive claim by our client for a proprietary interest in the BVI shares which were held by a former employee of the client through a PRC based WFOE.
- Advising two shareholders of a Bermuda incorporated HKEX List Co on the requisition of an SGM removing the CEO and Chairman of the List Co including drafting members' meeting notices and resolutions and strategy in relation to the EGM.
- Managing in-house restoration team processing company restorations in the BVI and Cayman Islands for Hong Kong and PRC based clients.

### **Senior Legal Counsel, ION Group**

**May 2014 - July 2018**

The ION Group includes Wall Street Systems, ION Trading, Reval, Triple Point Technologies, Openlink and Dealogic. I reported directly to the CEO and CFO, with primary for litigation, commercial contracts and corporate matters. Cases included working with local counsel in defending a preferential transfer claim brought by the trustee arising from Peregrine Financial Group's \$215 million bankruptcy (before the Chicago court) and pursuing a \$1.2 million claim for unpaid maintenance fees against JPM Chase (before New York Southern District court).

### **Associate, Commercial Litigation, Arthur Cox**

**April 2005 – May 2014**

Arthur Cox is one of Ireland's leading law firms with over 350 legal staff with an international client base ranging from multinational organisations, banks, financial institutions, government agencies and new players in emerging industry sectors. I trained in Arthur Cox and spent nine years as an Associate in the Commercial Litigation department. Cases include:

- Advising Allied Irish Bank in Commercial Court injunction proceedings seeking to restrict former directors and employees of the Bank's global financial services division and a competing (Luxembourg based) enterprise from soliciting clients and employees using the Bank's confidential data and to recover loss and damage incurred because of their actions. The case was one of the first in Ireland to successfully obtain a "springboard" injunction. In the initial expedited phase, I reviewed and identified documentation upon which the injunction would be based and prepared a chronology from which I drafted Affidavits and liaised with Counsel on settling these. The Affidavits and extensive Exhibits grounded the successful injunction application. I instructed Counsel in court throughout the five-day hearing.
- Representing Ray Jackson (KPMG, Receiver) in complex and multiple High Court and Supreme Court proceedings involving allegations of fraud and professional negligence against the Receiver. The matter involved 100 interlocutory hearings in advance of the trial over 125 days. It included 29 judgments and 98 perfected Orders. The ultimate trial was heard over 88 days and both the bank and Receiver were successful and all claims were struck out. Central to the claim was the validity of the appointment of the Receiver, Mr. Jackson.

### **EDUCATION & TRAINING**

Bachelor in Civil Law (2.1), University College Dublin **September 2000**

Diploma in Applied Finance Law, Law Society of Ireland **November 2004**

Solicitor, Law Society of Ireland **May 2005**

### **OTHER PROFESSIONAL MEMBERSHIPS**

Law Society of England and Wales **Admitted 2010**

Registered Foreign Lawyer, Hong Kong **Registered 2018**

British Virgin Islands **Admitted 2020**